

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.6447 of 2005

Date of Decision : October 17, 2006.

Smt.Sukuntla Devi and others Petitioners

Vs.

Shri Gurdev Singh and others Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

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Present : Mr.J.K.Goel, Advocate
for the petitioners.

Mr.Jarnail Singh Saneta, Advocate
for respondents no.1 and 1-B.

Mr.Nishant Akshay Singh, Advocate
for Mr.Vinod Chaudhri, Advocate
for respondent no.2.

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P.S.Patwalia, J. (Oral) :

The present revision petition has been filed by the claimants against the order of the learned Motor Accident Claims Tribunal, Karnal dated 18.11.2005 vide which the evidence of the claimants was closed by order as also the order dated 19.11.2005 vide which an application filed by

the claimants seeking permission to examine Shri Darbari Lal, son of Baru Ram as a witness and placing on record some documents by way of evidence, was declined.

Learned counsel for the petitioners submits that evidence of the claimants was closed on 18.11.2005 before noon. On the very same day the claimants had made an application for examining one Darbari Lal son of Baru Ram and tendering some documents by way of additional evidence. Notice of the application was given for the next day on which date the same was dismissed. Learned counsel for the petitioners submits that claimants are the widow and children of deceased. It would be too harsh for them if they are denied opportunity to lead their remaining evidence. He prays that they may be granted one effective opportunity on which they will lead their entire remaining evidence.

On the other hand learned counsel for respondent no.1 and 1-B states that a number of opportunities had been granted to the petitioners to lead and conclude their evidence but the same has not been done. He therefore states that no further opportunity should be granted to the petitioner to lead their remaining evidence.

After hearing learned counsel for the parties I am of the opinion that interest of justice would be served if the claimants are granted one further opportunity to lead their entire evidence. Accordingly this revision petition is allowed. The orders passed by the Motor Accident Claims Tribunal, Karnal are set aside. The petitioners would be granted one effective opportunity to lead their entire remaining evidence.

Learned counsel for respondents no.1 and 1-B has contended that the claimants should be burdened with some costs in the present case

for the grant of this additional opportunity to lead their evidence. I am not inclined to accept this submission. Since the claimants are the widow and the minor children of the deceased, I do not find it a fit case to burden them with any costs.

October 17, 2006

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(P.S.Patwalia)
Judge